

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)
) File No. 20-cr-00193
) (MJD/ECW)
Plaintiff,)
)
vs.) Minneapolis, Minnesota
) March 10, 2022
Michael Robert Solomon,) 11:33 A.M.
)
Defendant.)

BEFORE THE HONORABLE MICHAEL J. DAVIS
UNITED STATES DISTRICT COURT JUDGE
(SENTENCING HEARING)

APPEARANCES:

For the Plaintiff: United States Attorney's Office
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For the Defendant: Paul Engh Law Office
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Proceedings reported by certified stenographer;
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P R O C E E D I N G S

IN OPEN COURT

(Defendant present)

THE COURT: Let's call this matter.

THE CLERK: The United States of America versus Michael Robert Solomon, criminal case number 20-CR-193. Counsel, please state your appearances for the record.

MR. WINTER: Good morning, Your Honor. Andrew Winter appearing on behalf of the United States, accompanied by Probation Officer Leah Heino.

THE COURT: Good morning to both of you.

MR. ENGH: Paul Engh on behalf of Mr. Solomon. Good morning, Your Honor.

THE COURT: Counsel, so you understand how I handle my courtroom, I'm going to ask you to take your mask off so I can hear you, and either you can stay at your tables and make sure your microphones are on or you can use the podium to argue and advocate for your client.

So what is your pleasure, Mr. Engh? You can take your mask off.

MR. ENGH: I'll use the podium.

THE COURT: All right. Please. Your client can go up there with you.

All right. We're here for sentencing; is that correct?

1 MR. ENGH: Correct.

2 THE COURT: Are those microphones on there?

3 MR. ENGH: Yes, they are.

4 THE COURT: Make sure you speak into the
5 microphone so I can hear you.

6 Counsel, have you had an opportunity to read the
7 presentence investigation report in this matter?

8 MR. ENGH: We have.

9 MR. WINTER: The Government has, yes.

10 THE COURT: You have to take your mask off,
11 please.

12 MR. WINTER: Yes, the Government has.

13 THE COURT: Any objections to the factual
14 statements contained in the presentence investigation
15 report?

16 MR. ENGH: No, Your Honor.

17 MR. WINTER: None from the Government.

18 THE COURT: The Court will adopt the factual
19 statements contained in the presentence investigation report
20 as its own.

21 Counsel, have you had an opportunity to review the
22 advisory guideline calculations that have been prepared for
23 the Court?

24 MR. ENGH: Yes, we have. Yes.

25 THE COURT: Any objections to those calculations?

1 MR. ENGH: We have stated our objections in our
2 pleadings. We rest on the pleadings, Your Honor.

3 MR. WINTER: The Government has no objections.

4 THE COURT: The Court will overrule the defense
5 objections. The total offense level will be 37 as
6 recommended by the probation office, criminal history
7 category of 6. The guideline range is 240 months in prison,
8 supervised release of five years to life, a fine range of
9 \$40,000 to \$250,000, and a special assessment of \$100.

10 The Court has received from the Government a
11 motion for a downward departure. Because the defendant has
12 given substantial assistance to the Government, the
13 Government is requesting that the Court grant their motion
14 for a downward departure under 5K1.1 of the Sentencing
15 Guidelines based on the substantial assistance of the
16 defendant.

17 Does the Government have anything further they
18 wish to add to their filing?

19 MR. WINTER: No, Your Honor.

20 THE COURT: Anything the defense wishes to add?

21 MR. ENGH: Nothing beyond our pleading to you,
22 Your Honor.

23 THE COURT: The Court will grant the Government's
24 motion for a downward departure because the defendant has
25 given substantial assistance to the Government and qualifies

1 under 5K1.1.

2 Mr. Engh, do you wish to be heard?

3 MR. ENGH: I do, Your Honor.

4 THE COURT: All right.

5 MR. ENGH: Mr. Solomon and I have been together
6 now for a year and a half, and he's like a lot of young men
7 and he has difficulty in expressing the emotion of loss, and
8 I'd like to talk to you about the emotion of loss for him in
9 my comments today.

10 He is deeply regretful of what he did and what he
11 has said. That is set forth in the PSI. He was living a
12 good life. He was a maintenance man, made a good living,
13 drove his own car, had his own place to live. He had a
14 six-year-old daughter he adored. And he has lost all of
15 that. He will apologize to the Court and to his society in
16 short order, and he has a written statement that he's going
17 to read into the record.

18 But the first loss he has suffered is the loss of
19 his community. He has damaged his own community. He has
20 lost his stature in the community. He is now branded as a
21 felon, which will stay with him for the rest of his life.
22 And for him, that was a significant loss and will always be.
23 The ramifications of this case are unending for many
24 defendants who come before you, and certainly it is for this
25 case.

1 The second loss is the loss of fatherhood. One of
2 the great joys in a man's life is to be a father, to bring a
3 child into the world and to nurture that child, or children.
4 And he has, through his conduct, lost that. It's a loss not
5 only to himself, of course, because he's going to miss the
6 joys of being a father and loving a child, but the child has
7 lost her father, which is a greater tragedy, of course, and
8 perhaps the greatest tragedy in the case. The abandonment
9 that the child will feel and the loss of affection and loss
10 of a father through this time period and whatever period of
11 time you think he should serve is something that never can
12 be replaced. It's not something you can get back. It's not
13 something you can really apologize for.

14 The tragedy in the case, of course, is Mr. Solomon
15 lost his own father, and now that tragedy is compounded here
16 because he has lost a fatherhood for his child whom he
17 really adores, and he has told me how much he loves his
18 daughter almost every time I've met him.

19 The third loss is the loss of being a son to his
20 parents. His mom is here. Sharon is right there. And his
21 stepdad, George, is right behind me. You know, he really
22 adored his mom, and I've had many conversations with Sharon
23 as well and she loves him unconditionally and is most
24 disappointed with what has happened here.

25 THE COURT: I didn't see her. Where is she?

1 MR. ENGH: She's right here.

2 And as I said, I've had many conversations with
3 Mr. Solomon and his mom about the case. Her devotion is
4 unending and disappointed at the same time. But she's been
5 with me and him throughout the entire case. There's no
6 turning back for her. It hasn't been the easiest life, I
7 don't think, for her either. And I appreciate George's
8 support too, and he's also submitted -- Mr. Solomon has
9 several letters from the community.

10 So it's a sad day for him and it's a sad day for
11 everybody involved and society in general to see a member
12 that was doing so well to have fallen so far. But he has
13 tried to make amends. His decision to plead was made
14 immediately before I even had a chance to read the 3,000
15 pages of discovery, and he's done everything he can possibly
16 do to mitigate his damage now. And I know the Court will
17 take that into account.

18 In addition to the loss he feels, a few comments
19 should be made as to the nature of his confinement. He's
20 been at Sherburne County, of course, for the last year and a
21 half. The time served there has been harder than it would
22 be in a federal penitentiary. These local jails were never
23 designed for COVID, and the venting system is shared by
24 every cell. Mr. Solomon himself has asthma and has had
25 COVID twice. He reports to me that he has been in lockdown

1 for five months out of the year and a half he's been there,
2 and a lockdown in Sherburne County is 23 hours in, 1 hour
3 out. The last lockdown of a month was a little better, 20
4 hours in, 4 hours out. But these places were never designed
5 for extended stays, and it's not anybody's fault that the
6 case has been delayed. COVID has delayed all cases. But
7 it's been beyond his control.

8 It's also difficult, I think, you know, to
9 represent defendants who are in lockdown, so I feel a sense
10 of loss too because I haven't been able to bond as much as I
11 would otherwise with Mr. Solomon. And I think there has
12 been a loss to the defense bar and the court system by the
13 COVID restrictions, which were necessary. So I think we've
14 all been a little diminished in the last couple of years by
15 what has happened beyond our control.

16 But there has been a larger context too in the
17 last year or two, and I think it's that there has been a
18 recognition in light of COVID and other factors that perhaps
19 that the sentences for first-time offenders are a little
20 longer than they needed to be. This resulted in all the
21 First Step Act releases and the releases for individuals who
22 had health conditions such as asthma. And so tens of
23 thousands of inmates, especially first-time offenders
24 through the federal system, were released early. And maybe
25 the lesson there for all of us is that the times may have

1 been a little longer than necessary for the first-time
2 offender. Not -- that can't be said for the second, third,
3 or fourth time through.

4 But for Mr. Solomon, he's certainly learned his
5 lesson. He will accept whatever punishment you have. But
6 the question that comes to my mind anyway is that we may be
7 overincarcerating the first-time offender. And I say that
8 in all due respect because I know the Court has thought
9 about this as well. I believe you have. And it is the
10 nature of the guidelines for this case, the severity level
11 is high and the criminal history is high, that the
12 guidelines are higher than perhaps they should be for a case
13 like this. So we're left with comparisons, I suppose, as to
14 who he is closest to in terms of time, and that's difficult
15 to say because there aren't any Boogaloo Bois cases besides
16 his and a couple of others. I do know that his related case
17 defendant, Hunter, is going to get five years by his
18 agreement, and he fired shots into the police station.

19 THE COURT: Well, he fired 13 shots with an AK-47
20 into the --

21 MR. ENGH: Yeah, into a doorway. And Mr. Solomon
22 did not do that.

23 THE COURT: And my understanding, there may have
24 been police officers still in the Third Precinct at that
25 time, so I understand that what -- his maximum sentence is

1 60 months, his guideline sentence range is around 46 months.
2 I may be wrong with that, but that's my guesstimate.

3 MR. ENGH: Well, the point you're making, he did
4 fire shots and Mr. Solomon, upon seeing that, expressed his
5 great disappointment and removed Hunter from the scene and
6 told him to get out of there and go home. And so his
7 intention was not to engage in a violent act like that.

8 And he did talk a lot of talk, I'll agree with you
9 there, but we have a distinction or at least a comparison
10 between someone who talked a lot and someone that actually
11 fired a gun, and I think it's a comparison that's apt. But
12 I leave it to you to make that comparison as well.

13 He's ready to be sentenced. He's been eager to be
14 in front of you just to resolve this thing. There's a great
15 angst for defendants in not knowing. It's always better to
16 know than not know, and he'll understand what his punishment
17 is and he will submit to whatever you think is fair.

18 THE COURT: All right. Michael, this is your
19 opportunity to speak to me. This is your opportunity to
20 tell me anything that you want to tell me about yourself,
21 about this offense or anything else that you think I should
22 know before I sentence you. Please talk to me. If you have
23 papers, please go get them.

24 THE DEFENDANT: Sorry. I'm a little nervous, so
25 I'm going to try not to rush through this.

1 THE COURT: No, just take your time.

2 THE DEFENDANT: I submitted a letter to the Court
3 that explains my feelings in more detail. It was a
4 two-and-a-half-page letter, and that was kind of boiled down
5 from a 30-page letter explaining everything, my background,
6 my kind of journey down the rabbit hole into this and into
7 the mistakes I made that I gave Paul here. So after I was
8 at the jail for a couple months, I really thought -- I spent
9 about two weeks writing about 30 pages on just detailing how
10 I messed up and how I planned to do better hopefully for the
11 rest of my life.

12 I wanted to reiterate that I'm sorry for my
13 actions, I'm sorry for the pain that I did cause and for all
14 of the pain that I could have caused that could have gone
15 further.

16 I'm appalled, I'm embarrassed at the actions that
17 I made. I'm shocked that I ever let myself make those
18 decisions, but I can and I do promise that I will never
19 allow that to happen again. I also know that I can never
20 make up for the pain and suffering that I've put my
21 daughter -- that I've put my daughter, my parents, my loved
22 ones through, but I will try to be a better father, a better
23 son, and a better friend that they deserve.

24 And lastly, while I hope for leniency and I hope
25 to get back to being a father and being a member of society

1 as soon as I can, I realize that I owe that society a debt
2 for my actions. And that's part of the reason why I chose
3 to mitigate my damages as much as I could by helping undo
4 whatever I could as far as the harm that I caused, and I
5 accept whatever Your Honor decides that to society should
6 be. And I'm sorry for what I did.

7 THE COURT: Okay. Have a seat, sir.

8 Mr. Engh, stay there and call his mother up.

9 Good morning.

10 MS. PAWLITSCHKEK: Good morning.

11 THE COURT: I'm Judge Davis and over the years
12 I've handled over 20 terrorism cases, and I've always had
13 the parents come up and talk to me before I have to sentence
14 their child.

15 And I don't know if you have anything that you
16 want to tell me. Why don't you state your name for the
17 record. And if you do have anything you wish to tell me, I
18 would like to hear it.

19 MS. PAWLITSCHKEK: My name is Sharon K.
20 Pawlitschek.

21 It's hard to know what to say because there's so
22 many different things that I've felt and experienced over
23 the last 18 months. I love my son very much. I always have
24 and I always will. At his core, he's a good person. He's a
25 good father. I know that he did make a mistake, and I

1 recognize that he has to pay for that, and he knows that
2 too.

3 I have seen growth and maturity in him in the last
4 18 months by things he has said, tears he has shed that I
5 hadn't seen him do since he was 13 years old. So I know
6 that he means what he says.

7 He wants to be a father. He wants to be a part of
8 his family again. And he wants to put his life back
9 together and start his life over and do the best that he
10 can.

11 THE COURT: Thank you.

12 MS. PAWLITSCHKE: Thank you, Your Honor.

13 THE COURT: You may be seated, Mr. Engh.

14 Mr. Winter?

15 MR. WINTER: Thank you, Your Honor.

16 The comments I'm going to be making, I want to
17 talk a little bit about the offense.

18 And as the Court is aware, what we would have
19 asked for in this case had he not made the good decisions he
20 did at the end of the case, which was to plead guilty
21 promptly and to cooperate, but before we get there, I think
22 it's helpful if I can talk a little bit about what we would
23 have been asking for and why.

24 At no point during the developing conspiracy to
25 arm people that he thought were members of Hamas did he say

1 to anybody, this is crazy or maybe this isn't such a good
2 idea. At no point did he express any hesitation when he
3 knew and understood that the auto sears and the silencers he
4 was turning over were going to be used against potentially
5 U.S. citizens, military personnel, people that could have
6 been his neighbors, people that could have even been his
7 family members.

8 The mindset that put him in that place, the rabbit
9 hole that he referred to going down, the mindset is truly
10 mind-boggling. It doesn't make any sense to I think anybody
11 in this courtroom. And certainly we agree that his plans
12 that he talked about were grandiose, actually grandiose and,
13 again, sort of mind-boggling and arguably crazy. But it
14 makes one wonder just how far he would have gone had this
15 financial pipeline he was seeking for the Boogaloo Bois been
16 real rather than fictional. And fortunately, we don't know
17 how far he would have gone because he was arrested and the
18 whole thing was brought to an end.

19 But we do know --

20 THE COURT: May I interrupt you?

21 MR. WINTER: Yes, absolutely.

22 THE COURT: One of the things that's not clear to
23 me, certainly the talk of \$200 million and having a training
24 site is a pipe dream, but I've never been able to parse out
25 of the materials that you've submitted or that defense have

1 submitted or even the probation office has given me is how
2 much money was transferred here for these five suppressors
3 or sears.

4 MR. WINTER: If memory serves, Your Honor, the
5 initial batch that were supplied from the defendant and his
6 co-conspirator, Mr. Teeter, were essentially tendered as a
7 proof of concept, if you would. Here's what we can do;
8 here's five functional suppressors, which the Bureau did
9 test and they worked. And then there was discussion about
10 the next batch, which never happened, so that --

11 THE COURT: Now, those suppressors came from out
12 of state; is that correct?

13 MR. WINTER: The parts -- as I remember, the parts
14 for the suppressors were delivered to Solomon and Teeter via
15 the Internet, and I think they came from out of state. And
16 they did their thing to them to turn them into an actual
17 suppressor. They had to machine these devices into being
18 functional suppressors, which required them to get the
19 tools, which as the PSR talks, the drill press that they
20 obtained.

21 So the parts came in from out of state and they
22 did their work in his home, and then they were turned over
23 to the CHS and the UCE, again as sort of a proof of concept;
24 here's the kind of work we can do for you.

25 THE COURT: Was there ever a price tag?

1 MR. WINTER: There was discussion about -- there
2 was discussion about dollar amounts in the future, prices,
3 and again, a discount being offered if the purported Hamas
4 members ordered these in bulk. I don't remember off the top
5 of my head specifically what those numbers were, but it was
6 in the thousands of dollars.

7 And at the time of --

8 THE COURT: Mr. Engh, do you have any recollection
9 of anything that's been said dealing with the price?

10 MR. ENGH: I thought -- my memory is \$800 per.
11 That's my memory.

12 MR. WINTER: And that sounds about right, Your
13 Honor.

14 And then there was talk of --

15 THE COURT: And those parts came from West
16 Virginia; is that right?

17 MR. WINTER: The auto sears?

18 THE COURT: The auto sears.

19 MR. WINTER: Yes. Those came from a website run
20 by another Boogaloo Boi who is located in West Virginia.

21 THE COURT: And my understanding is that the
22 Government didn't know about him until Mr. Solomon gave
23 information about him.

24 MR. WINTER: He was certainly -- Mr. Solomon's
25 information was certainly instrumental in identifying and

1 taking down that website.

2 THE COURT: Well, let's do more than that. My
3 understanding is that -- and I need to be clear, I'm making
4 sure that I understand, is that it was Mr. Solomon's
5 information that took down that website that was part of the
6 getting the search warrants and arresting Mr. Watson down in
7 West Virginia.

8 MR. WINTER: Yes, that's absolutely true.

9 THE COURT: All right. All that's been filed.
10 And this was -- the reason why I'm talking about it, because
11 it's important for me to know, the U.S. Attorney for the
12 Northern District of West Virginia put out a press release,
13 so I know about it and I know the transcript and everything
14 else about what happened with Mr. Watson.

15 Now, Watson was a big player.

16 MR. WINTER: Yes.

17 THE COURT: A huge player.

18 MR. WINTER: Put a lot of auto sears out in the
19 community, for sure.

20 THE COURT: How many?

21 MR. WINTER: Over 200.

22 THE COURT: Why does West Virginia say 800? The
23 U.S. Attorney says 800.

24 MR. WINTER: If they said it's 800, then it's 800.
25 I'm sorry. I'm going by my memory.

1 THE COURT: And they had the list of 800 -- of the
2 selling of 800 of these and they have been able to recover
3 200, right?

4 MR. WINTER: Yes.

5 THE COURT: And isn't it a fact that Watson sold
6 an auto sear to, what is it, Cattrell out in California, who
7 killed two police officers?

8 MR. WINTER: I think you're referring to Steven
9 Carrillo.

10 THE COURT: Carrillo.

11 MR. WINTER: I don't know. That could very well
12 be the case. They were certainly -- the Boogaloo Bois were
13 certainly all connected online. It wouldn't shock me at
14 all.

15 THE COURT: Again, I'm going by what the
16 U.S. Attorney for West Virginia is saying. I'm assuming
17 that he wouldn't puff.

18 MR. WINTER: He wouldn't. I wouldn't quibble with
19 that, Your Honor.

20 THE COURT: All right. And so I dug a little
21 deeper to see whether or not the killer used the auto sears
22 to kill the police officers, but it seems like they don't
23 know or it hasn't -- it hasn't been found that they were
24 used. But at least here we have Mr. Solomon turning over to
25 the Government someone that has done great damage.

1 MR. WINTER: Absolutely.

2 THE COURT: More damage than five auto sears or
3 suppressors, right?

4 MR. WINTER: Yes.

5 THE COURT: And tell me what the sentence was for
6 Mr. Watson in West Virginia.

7 MR. WINTER: I'd have to look at my --

8 THE COURT: I'll tell you. Sixty months.

9 MR. WINTER: Sixty months.

10 THE COURT: Yeah, 60 months.

11 MR. WINTER: Yes.

12 THE COURT: And I know that you hadn't gotten to
13 the numbers yet, but let's jump to it. But initially you'd
14 be asking for 240 months for Mr. Solomon, but because of the
15 substantial assistance, you're going to ask for 120, 140
16 months; is that right?

17 MR. WINTER: Yes.

18 THE COURT: Now, Mr. Winter, you're aware of your
19 office charging other individuals that were involved in the
20 destruction, the rioting, the burning of our city, the Third
21 Precinct and other buildings, charged with arson? You're
22 aware of that?

23 MR. WINTER: Yes, certainly.

24 THE COURT: And you have videotape evidence of
25 those individuals pouring gasoline into the Third Precinct,

1 into the pawnshops, into the Sprint stores and lighting and
2 burning the buildings, right?

3 MR. WINTER: Yes.

4 THE COURT: And those are overt acts, right?

5 MR. WINTER: Certainly.

6 THE COURT: And in one, the restitution amount is
7 \$12 million.

8 MR. WINTER: Yes.

9 THE COURT: And that's never going to be
10 recovered, is it?

11 MR. WINTER: No.

12 THE COURT: And in one of the buildings there was
13 a body found, and the coroner established that the cause of
14 death was inhaling of the smoke and inhalants, right?

15 MR. WINTER: Yes.

16 THE COURT: And that person was charged out
17 through the U.S. Attorney's Office here.

18 MR. WINTER: Yes.

19 THE COURT: And he only received 144 months.

20 MR. WINTER: Yes, that sounds right.

21 THE COURT: And there was a dead body in the
22 building.

23 MR. WINTER: Yes, there was.

24 THE COURT: And he had a serious criminal history,
25 the defendant.

1 MR. WINTER: I'll take your word for it.

2 THE COURT: And we're talking about Maurice Lee,
3 Jr. from Rochester.

4 I'll make sure I got the right numbers. No. I'm
5 sorry. Maurice Lee got 120 months.

6 And in Mr. Lee's case, it was argued before the
7 judge by the Assistant U.S. Attorney that Mr. Lee just got
8 caught up in everything and burned down the building, right?

9 MR. WINTER: I recall that argument.

10 THE COURT: And all of a sudden Mr. Lee is
11 standing and a can of accelerant is right next to him and
12 all of a sudden he jumps up and burns down a building,
13 right?

14 MR. WINTER: I'll take your word for it.

15 THE COURT: Well, that's a case that came out of
16 your office, isn't it?

17 MR. WINTER: It is.

18 THE COURT: Now, Mr. Solomon didn't burn down any
19 buildings, did he?

20 MR. WINTER: No, he did not.

21 THE COURT: Mr. Solomon didn't shoot an AK-47 into
22 the Third Precinct, did he?

23 MR. WINTER: No, he did not.

24 THE COURT: Mr. Solomon doesn't have a criminal
25 history score other than 1, and because of him being charged

1 with terrorism, it jumps up to 6, right?

2 MR. WINTER: That's correct.

3 THE COURT: And certainly the Government could
4 have allowed him to plead to Counts 3 and 4 of the
5 indictment, and he would have probably ended up with a
6 sentence similar to other arsonists and criminals that
7 burned Minneapolis.

8 MR. WINTER: Yes.

9 THE COURT: And Hamas is a hot-bed organization in
10 the Twin Cities, right?

11 MR. WINTER: I'm sorry. I didn't hear the first
12 part.

13 THE COURT: I said Hamas is a hot-bed organization
14 in the Twin Cities, right?

15 MR. WINTER: If your question is do we have Hamas
16 members running around the Twin Cities, the answer is
17 certainly not to my knowledge.

18 THE COURT: And Matthew Lee Rupert, charged with
19 arson, burned down the Sprint store, ended up with 105
20 months in prison, right? And he had a criminal history of
21 14 points, so he was a category 6.

22 MR. WINTER: Yes.

23 THE COURT: You would not dispute that, would you?

24 MR. WINTER: I would not.

25 THE COURT: Mark Gonzalez, conspiracy to commit

1 arson, Wells Fargo Bank, burning that building, he had eight
2 points and that was a category 4, and he received 37 months
3 in prison, right?

4 MR. WINTER: Yes.

5 THE COURT: Alexander Heel, conspiracy to commit
6 arson at the Wells Fargo Bank, he had four points, a
7 category 3, I believe. He ended up getting a sentence of 30
8 months.

9 MR. WINTER: Yes.

10 THE COURT: And then we had Michael Scott White,
11 he had 29 points, a category 6, arson, burned down the
12 Enterprise Rent-a-Car business in St. Paul, and he had 72
13 months with a restitution of \$672,000.

14 You're not going to dispute that, are you?

15 MR. WINTER: No.

16 THE COURT: And then we had McKenzy Ann DeGidio
17 Dunn, conspiracy to commit arson, category 1, she only had
18 one point. And she got a 5K 2.20 and ended up with three
19 years' probation with \$31,000 restitution.

20 You're not going to dispute that?

21 MR. WINTER: No.

22 THE COURT: And how much restitution is
23 Mr. Solomon going to have to pay?

24 MR. WINTER: I don't think any.

25 THE COURT: And then we have Samuel Elliot Frey,

1 F-R-E-Y, arson and conspiracy to commit arson. That's a
2 pending case, I guess. And he's looking at 27 months with
3 \$34,000 restitution.

4 You're not going to disagree with that?

5 MR. WINTER: No.

6 THE COURT: Now, here's an interesting case.
7 Someone that actually burned a courthouse, Garrett Patrick
8 Ziegler, aiding and abetting arson, Dakota County Government
9 Center in Apple Valley, he received a sentence of 60 months
10 with restitution of \$205,000, done to a government
11 courthouse.

12 You would agree to that?

13 MR. WINTER: Yes.

14 THE COURT: And so we move to his co-defendant,
15 Mr. Henderson. I can't pronounce his first name. Now,
16 Ziegler had zero points, and so he was a category 1. And
17 Mr. Henderson, he had ten criminal history points. He's a
18 category 5, and so he ended up with 78 months imposed for
19 burning a courthouse and restitution of \$205,000.

20 And that was charged out of your office; is that
21 right?

22 MR. WINTER: Yes.

23 THE COURT: Then we have Brandon Michael Wolf,
24 conspiracy to commit arson of the Third Precinct, 41 months.
25 He's on the hook for \$12 million restitution. Right?

1 MR. WINTER: Yes.

2 THE COURT: And then we have Bryce Michael
3 Williams, conspiracy to commit arson of the Third Precinct,
4 zero points -- criminal history points, and he ended up with
5 27 months in prison and restitution of \$12 million.

6 MR. WINTER: Yes.

7 THE COURT: Then we had Davon De-Andre Turner,
8 conspiracy to commit arson, the Third Precinct. I'm sure
9 you saw that building burn on TV.

10 MR. WINTER: Indeed.

11 THE COURT: He ended up with 36 months in prison
12 with a \$12 million restitution, right?

13 MR. WINTER: Yes.

14 THE COURT: And then we have Dylan Shakespeare
15 Robinson. He ended up with 48 months with \$12 million
16 restitution, right?

17 MR. WINTER: Yes.

18 THE COURT: Then an unrelated Boogaloo case,
19 Michael Dahlager, he's looking at 24 months because he had
20 unlawful possession of a machine gun, right?

21 MR. WINTER: Yes, auto sears.

22 THE COURT: And I think Mr. Solomon gave
23 substantial assistance against Mr. Ivan Hunter, and he's
24 looking at, as I mentioned before, 46 months for riot.

25 MR. WINTER: Yes.

1 THE COURT: Actual riot.

2 MR. WINTER: Yes.

3 THE COURT: Shooting into the Third Precinct.

4 MR. WINTER: Yes.

5 THE COURT: You can continue.

6 MR. WINTER: Your Honor, the rest of my comments,
7 you know, were aimed towards, you know, that the comments
8 that Mr. Solomon made during the course of the case. And we
9 can talk about, you know, bravado, puffery, making
10 statements that he surely regrets today and has regretted, I
11 think, since the moment of his arrest.

12 Part of what's troubling was, you know, when they
13 went out to do the arrest and the search warrants, they find
14 in his home the tools to cause harm, the body armor, the
15 handcuffs, three assault rifles. And so -- and that was
16 going to be the conclusion of my sort of argument, and then
17 I was going to turn towards the fact that fortunately in
18 this case he -- everything he's done since the day of his
19 arrest has been to make amends, which again, we've set forth
20 in our 5K memorandum. I can also tell you that that process
21 is ongoing. And I'm happy to answer any additional
22 questions that the Court has.

23 THE COURT: And what is the Government's
24 recommendation for sentence?

25 MR. WINTER: Well, as our memo laid out, we were

1 asking for 140 months. Obviously the Court can sentence,
2 particularly with the 5K in place, to whatever the Court
3 feels is appropriate. I appreciate the fact the Court has
4 highlighted these other cases, and I am sure the Court will
5 factor all those things in, particularly if you're looking
6 at 3553(a) and the disparities and sentence Mr. Solomon
7 appropriately.

8 THE COURT: All right. Thank you, Mr. Winter.

9 Please step back up.

10 All right. Michael Robert Solomon, on May 4th,
11 2021, you pled guilty to conspiracy to provide material
12 support to a designated foreign terrorist organization in
13 violation of Title 18 United States Code Section
14 2339B(a)(1). It is considered and adjudged that you are
15 guilty of that offense.

16 I have gone over the guideline calculations that
17 have been provided to the Court, and I have accepted those,
18 and I don't need to go over them again. I think it's clear
19 what your potential guideline sentence could look at, at 240
20 months in prison.

21 Mr. Engh knows and Mr. Winter knows that I've
22 handled practically all the terrorism cases that were in
23 this district and probably the one judge in the whole
24 country that's handled more terrorism cases. And I've
25 handed out substantial sentences to some of the individuals

1 that were charged with terrorism, and I've given probation
2 to some individuals that have been charged and convicted of
3 terrorism.

4 So I look at each case individually. I look at
5 your case individually, and let me tell you, I've looked at
6 everything to try to figure out that you're a bad guy. Even
7 if you are a bad guy, there's other bad guys out there that
8 are doing way less time than you.

9 I haven't even talked to Mr. Winter about the
10 January 6th insurrectionists that have been convicted in
11 Washington, D.C. and the types of sentences they have. And
12 we have the videotape. We watched that on TV. And I know
13 the judges out in Washington, D.C., and they're tough as
14 nails and so I know that they're not giving away the ship,
15 but they're giving what they feel is appropriate sentences.
16 And nothing, nothing that has happened at the insurrection
17 in our country on January 6th, there's not one person that
18 has looked at 240 months in prison or 140 months or 120
19 months.

20 The Court has read the presentence investigation
21 report. The Court has read the submissions of counsel. The
22 Court has granted the Government's motion under 5K1.1 that
23 the defendant has given substantial assistance to the
24 Government and is continuing to give substantial assistance
25 to the Government. And if there's a need for you to come

1 back after I sentence you under the appropriate rule, I'll
2 deal with that at that time.

3 The Court has read all the pertinent United States
4 Supreme Court decisions and Eighth Circuit Court of Appeals
5 decisions and other circuit and district court opinions
6 dealing with terrorism cases, and of course, the Court will
7 apply the factors under Title 3553(a) in sentencing you here
8 today.

9 Because of your substantial assistance to the
10 Government, the Court is going to give you the following
11 sentence: Defendant is hereby committed to the care and
12 custody of the Bureau of Prisons for a term of 36 months.

13 There is no fine imposed.

14 The defendant is sentenced to a term of five
15 years' supervised release.

16 The following mandatory conditions are applicable:
17 The defendant shall not commit any crimes, federal, state or
18 local.

19 The defendant shall not unlawfully possess a
20 controlled substance.

21 The defendant shall refrain from any unlawful use
22 of a controlled substance.

23 The defendant shall submit to one drug test within
24 15 days of release from imprisonment and at least two
25 periodic drug tests thereafter as determined by the Court.

1 Next, the defendant shall cooperate in the
2 collection of DNA as directed by the probation officer.

3 Next, the defendant shall abide by the standard
4 conditions of supervision that have been adopted by this
5 Court, including the defendant must report to the probation
6 office in the federal judicial district where the defendant
7 is authorized to reside within 72 hours of defendant's
8 release from imprisonment unless the probation officer
9 instructs the defendant to report to a different probation
10 office or within a different time frame.

11 And the defendant shall not own, possess, or have
12 access to a firearm, ammunition, destructive device, or any
13 other dangerous weapon.

14 And I'll say that again, sir, so you understand it
15 and it will be tattooed on your arm. You are not to own,
16 possess, or have access to a firearm, ammunition,
17 destructive device, or any other dangerous weapon.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Defendant shall comply with the
21 following special conditions: Defendant shall provide the
22 probation officer access to any requested financial
23 information including credit reports, credit card bills,
24 bank statements, and telephone bills.

25 The defendant shall not possess, view, access or

1 otherwise use material that reflects extremist or terrorist
2 views as deemed inappropriate by the United States Probation
3 Office.

4 Next, the defendant must submit to periodic
5 polygraph testing at the discretion of the probation officer
6 and me as a means to ensure compliance with the requirements
7 of supervision. And I've used the polygraph on my other
8 terrorist defendants and rest assured, I'll surprise you
9 when I want it done.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The defendant shall reside for a
12 period of up to 180 days in a residential reentry center as
13 approved by the probation officer and shall observe the
14 rules of that facility, which may include location
15 monitoring with global positioning system, GPS technology.

16 The defendant shall be restricted to this
17 residence at all times except for employment, education,
18 religious services, medical, substance abuse, or mental
19 health treatment, court obligations, or discretionary leave
20 activities as approved by the probation officer or this
21 Court. The defendant shall not be required to pay the costs
22 of location monitoring.

23 Next, the defendant shall not possess or use a
24 computer or have access to any online service without prior
25 approval of the United States Probation and Pretrial

1 Services Office.

2 The defendant's cooperation shall include but not
3 be limited to allowing installation of a computer and
4 Internet monitoring program and/or identifying computer
5 systems, Internet-capable devices, and similar memory and
6 electronic devices to which the defendant has access.
7 Monitoring may include random examinations of computer
8 systems, along with Internet, electronic and media storage
9 services -- devices under the defendant's control.

10 The computer system or devices may be removed for
11 more thorough examination if necessary.

12 The defendant shall contribute to the cost of such
13 monitoring services based on the ability to pay as deemed
14 appropriate by the United States Probation and Pretrial
15 Services Office.

16 And, sir, you should understand that I helped
17 develop all of this information dealing with terrorism.
18 Mr. Engh knows that, and he can tell you that I spent a lot
19 of time and I went to Europe to study, to hire the best
20 people possible so we could develop a program here. And so
21 my probation office knows how to track you, and if you think
22 you're smarter than me --

23 THE DEFENDANT: No, sir.

24 THE COURT: -- God help you.

25 The defendant shall not access Internet-related

1 chats or news groups or participate in any online social
2 environment that includes Facebook, Twitter, Second Life,
3 LinkedIn, Craigslist, FaceTime, WhatsApp, video, audio, et
4 cetera, or texting applications which allow the user
5 interaction unless preapproved and authorized by the
6 probation officer and the Court.

7 And since there's always new apps that are being
8 developed every day, those are included. And so just
9 because I didn't name them, they're going to be included if
10 they're developed. And your attorney can come back and
11 argue and say that I didn't include them, but I can tell you
12 he's not going to get very far with that.

13 Defendant shall not submit his person, residence,
14 office -- shall submit his person, residence, office,
15 vehicle or other area under the defendant's control to a
16 search conducted by the United States Probation Officer or
17 supervised designee at a reasonable time and in a reasonable
18 manner based upon reasonable suspicion of contraband or
19 evidence of a supervision violation. The defendant shall
20 warn any other residents or third parties that the premises
21 and areas under the defendant's control may be subject to
22 searches pursuant to this condition.

23 And one other condition that's not listed is that
24 I want you to go through a program dealing with how to raise
25 a child, how to be a good father, and I want you to

1 successfully complete that program. Just saying and telling
2 me that you love your daughter is not good enough. I want
3 to make sure that you have the appropriate skills to do the
4 right thing for her and for you.

5 And finally, there's a \$100 special assessment
6 payable to the Crime Victims Fund which is due and payable
7 immediately.

8 The Court will recommend that you be housed in a
9 facility in the State of Minnesota so you'll be close to
10 your family. Either Sandstone or Duluth would be
11 recommended by the Court, but because of the nature of the
12 charge and conviction, the Bureau of Prisons may send you
13 out of state just because of the nature of the offense that
14 you've pled guilty to.

15 I have no control over what the Bureau of Prisons
16 will do, but I'm making a recommendation that you stay in
17 this state. And I think other terrorism defendants have
18 stayed in the state, so I'm hoping that you'll be able to do
19 that so you can be close to your family.

20 THE DEFENDANT: Thank you.

21 THE COURT: Sir, if you feel the Court has not
22 followed the law in the imposition of your sentence, you
23 have a right to appeal my sentence to the Eighth Circuit
24 Court of Appeals, and that's the appellate court that
25 reviews all of my sentences to make sure that I have

1 followed the law and the Constitution. You have 14 days
2 from today's date to file that notice of appeal.

3 Mr. Engh will be your attorney on that appeal. If
4 you do not wish to have Mr. Engh, you can represent yourself
5 or hire your own attorney.

6 But you have 14 days from today's date to file
7 that notice of appeal, giving notice to the Eighth
8 Circuit Court of Appeals that you feel that I have not
9 followed the law or the Constitution in sentencing you here
10 today.

11 Counts 3 and 4, the Government?

12 MR. WINTER: The Government moves to dismiss the
13 remaining counts in the indictment, Your Honor.

14 THE COURT: Anything further from the Government?

15 MR. WINTER: No, Your Honor. Thank you.

16 THE COURT: Anything further from probation?

17 MS. HEINO: Nothing.

18 THE COURT: Anything further for defense?

19 MR. ENGH: No, Your Honor.

20 THE COURT: All right. Mr. Solomon, please listen
21 to Mr. Engh. I'm not someone to mess around with. And just
22 because you're not walking out of here with a 240-month
23 sentence or a 140-month sentence doesn't mean that you're
24 free to do whatever you think you want to do. That's not
25 going to happen. And on all my terrorism cases, I'm hands

1 on because I can't have you doing anything that will
2 jeopardize the security of this country or of this state.

3 Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Anything further, Mr. Engh?

6 MR. ENGH: No, Your Honor.

7 THE COURT: I missed one condition.

8 The defendant shall participate in mental health
9 counseling program as approved by the probation officer.
10 This program may include psychological and/or psychiatric
11 counseling or treatment, family counseling, or mentor
12 support.

13 You'll work closely with the probation office
14 dealing with this aspect of it because we want to make sure
15 that you clearly understand the nature of your wayward
16 thinking and dealing with the Boogaloo Bois and any other
17 extremist organization. So you'll work closely with a
18 probation officer on that because we have used psychologists
19 that are experts in their area, so you may have to do that,
20 but that will be determined by the probation office.

21 Do you have any questions?

22 THE DEFENDANT: No, sir.

23 THE COURT: We'll adjourn.

24 (Court adjourned at 12:43 p.m.)

25 * * *

1 I, Paula K. Richter, certify that the foregoing is
2 a correct transcript from the record of proceedings in the
3 above-entitled matter.

4
5 Certified by: s/ Paula K. Richter

6 Paula K. Richter, RMR-CRR-CRC
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